

Message Text

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PAGE 01 STATE 246513

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ORIGIN NEA-10

INFO OCT-01 ISO-00 INT-05 L-03 EB-07 OES-06 FEA-01 CEA-01

CIAE-00 COME-00 DODE-00 FRB-03 H-02 INR-07 LAB-04

NSAE-00 NSC-05 PA-01 AID-05 CIEP-01 SS-15 STR-04

ITC-01 TRSE-00 USIA-06 PRS-01 SP-02 OMB-01 AGRE-00

/092 R

DRAFTED BY NEA/INS:JRGRAHAME:JES

APPROVED BY NEA/INS:DKUX

INT/FISH&WILDLIFE:TSTRIEGLER

L/OES:JBAILLY

EB/OT/STA:GWHITE

OES/END/EN:MR. SANDERS

----- 057655

P R 042108Z OCT 76

FM SECSTATE WASHDC

TO AMEMBASSY NEW DELHI PRIORITY

INFO AMCONSUL BOMBAY

AMCONSUL CALCUTTA

AMCONSUL MADRAS

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E.O. 11652: N/A

TAGS: SENV, TB, IO, IN

SUBJECT: U.S. REGULATIONS ON IMPORTATION OF IVORY PRODUCTS

REFS: (A) NEW DELHI 12245; (B) STATE 237516; (C) STATE 187836 -

SUMMARY: THERE IS NO WAY WE CAN ALLOW COMMERCIAL IMPORTS OF
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PAGE 02 STATE 246513

ASIAN IVORY. END SUMMARY.

1. THE ENDANGERED SPECIES ACT OF 1973 RESULTED FROM U.S. PARTICIPATION IN THE CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA. PURSUANT TO THIS ACT THE ASIAN ELEPHANT HAS BEEN PLACED ON THE LIST OF WILDLIFE IN DANGER OF EXTINCTION AND ASIAN IVORY IS THUS BARRED BY U.S. LEGISLATION FROM IMPORTATION INTO THE U.S.

2. THE BASIC PURPOSE OF THE U.S. LEGISLATION IS THE PREVENTION OF COMMERCIAL IMPORTS INTO THE U.S. OF ENDANGERED SPECIES AND PRODUCTS THEREFROM, INCLUDING IVORY FROM THE ASIAN ELEPHANT. IN ACCORDANCE WITH THE PREROGATIVES GRANTED TO SIGNATORY STATES UNDER THE CONVENTION, U.S. LEGISLATION THUS PROVIDES FOR STRICTER PROTECTIVE MEASURES THAN DOES THE CONVENTION ITSELF. THE LEGISLATION DOES NOT GIVE

THE EXECUTIVE BRANCH OF THE USG DISCRETIONARY AUTHORITY TO MAKE ANY EXCEPTION FOR COMMERCIAL IMPORTATION OF ASIAN IVORY, NEW OR OLD. NEITHER THE FACT THAT INDIA IS ALSO A PARTY TO THE CONVENTION, NOR THE POSSIBLE ESTABLISHMENT OF A GOI SYSTEM LICENSING TRADE IN IVORY AND PROVIDING FOR REGISTRATION OF IVORY EXPORTERS CONSTITUTES A BASIS FOR EXCEPTION.

3. HOWEVER, THE ENFORCEMENT DIVISION OF THE U.S. FISH AND WILDLIFE SERVICE WILL AUTHORIZE THE IMPORTATION OF CONSIGNMENTS OF IVORY FROM INDIA WHICH ARE ACCOMPANIED BY A GOI CERTIFICATE STATING THAT THE PARTICULAR CONSIGNMENT CONSISTS OF AFRICAN IVORY OR BY EXPORT DOCUMENTATION PROVING THE AFRICAN ORIGIN OF THE IVORY. THE INDIAN EMBASSY RECENTLY ISSUED ONE SUCH CERTIFICATE ON AUTHORITY FROM NEW DELHI FOR A SHIPMENT CONSIGNED TO SONA IN NEW YORK WHICH HAD BEEN DETAINED BY THE FISH AND WILDLIFE ENFORCEMENT DIVISION. THAT CONSIGNMENT WAS ADMITTED.

4. WE HAVE RECEIVED AN INDIAN EMBASSY NOTE ON THE IVORY PROBLEM. OUR RESPONSE, A COPY OF WHICH WE ARE POUCHING TO TO THE EMBASSY, FOLLOWS ABOVE LINES. KISSINGER

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